



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK AYOTTE, KEN MAUER, and JASON
PHILLIPS,

Plaintiffs,

- against -

THE NATIONAL BASKETBALL
ASSOCIATION and NBA SERVICES CORP.,

Defendants.
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22-CV-9666 (VSB) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiffs’ letter motion to compel at Dkt. 63. The discovery sought by Plaintiffs, even in “modified” form, remains overbroad and disproportionate to the needs of the case. Defendants shall answer modified interrogatories 10, 12-17 and 19. Those interrogatories merely call for yes/no answers and are reasonably tailored to the state actor issue in the context of the subject matter (Covid-19 policy) at issue.

Defendants need not respond to any of the other interrogatories, modified or not. Although many of those other interrogatories similarly call for yes/no answers, none of them are reasonably tailored to the state actor issue.

As the parties agree that Plaintiffs’ document requests essentially track the interrogatories, the parties shall deal with the document requests similarly to the interrogatories. Defendants need not redo their ESI collection and review but must conduct a reasonably targeted search for responsive documents including documents that may be in electronic form.

The Clerk of Court is respectfully requested to terminate the letter motion at Dkt.
63.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 25, 2023
New York, New York

Copies transmitted this date to all counsel of record.